

FINAL BILL REPORT

SHB 1769

C 397 L 09
Synopsis as Enacted

Brief Description: Concerning housing assistance in dependency matters.

Sponsors: House Committee on Early Learning & Children's Services (originally sponsored by Representatives Orwall, White, Dammeier, Clibborn, Nelson, Liias, Carlyle, Eddy, Upthegrove, Green, Chase, Seaquist, Miloscia, Kagi, Roberts, Kenney and Morrell).

House Committee on Early Learning & Children's Services
House Committee on Health & Human Services Appropriations
Senate Committee on Human Services & Corrections

Background:

In children's dependency cases, the court has authority to order various treatment and services be provided to parents and children to facilitate reunification. The court, in conducting dependency review hearings, has explicit authority to order housing assistance when: (1) homelessness or the lack of adequate and safe housing is the primary reason for the child's out-of-home placement; and (2) funding appropriated specifically for housing assistance is available.

In 1997 the Washington Supreme Court, in *Washington State Coalition for the Homeless v. DSHS*, 133 Wn.2d 894 (1997), ruled that the juvenile dependency court "has authority to order the Department of Social and Health Services (DSHS) to provide the family with some form of assistance in securing adequate housing in those cases where homelessness or lack of safe and adequate housing is the primary reason for the foster placement or the primary reason for" continuing the child's placement out of the home. The court also held that the nature of housing assistance services provided to families was within the discretion of the DSHS, but the court would determine the adequacy of the services and the reasonableness of the agency's effort. Following this ruling, the dependency statute was amended in a number of areas to include "housing assistance" and "housing services."

The term "housing services" is one of the "preventive services" defined as "services capable of preventing the need for an out-of-home placement while protecting the child." "Housing services" are described as referrals to federal, state, local, or private agencies that assist people in need with completing forms and applications, or that provide financial subsidies for housing. The term "housing assistance" is not defined.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary:

A definition is created for housing assistance, and the term includes:

- appropriate referrals to agencies or organizations;
- assistance with completing forms and applications; or
- financial subsidies or monetary assistance for housing.

Housing assistance is defined to not be a remedial service or time-limited family reunification service.

At the shelter care hearing, if the dependency petition alleges that homelessness or lack of adequate housing was a significant factor contributing for the need to remove the child from the parents, the court must inquire whether housing assistance was provided to the family to prevent the need for removing the child.

Following the fact finding hearing on the dependency petition, the court must select those services to assist the parents in maintaining the child in the home, if appropriate. When reviewing the dependency case, the court must determine whether the parent's homelessness or lack of adequate housing is a significant factor delaying permanency for the child and whether housing assistance should be provided.

The court is authorized to order housing assistance whenever: (1) a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child and housing assistance would aid the parent in providing an appropriate home for the child; and (2) funding appropriated for this specific purpose is available. Housing services or assistance is declared to not be an entitlement under the child dependency chapter.

Votes on Final Passage:

House	96	0	
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 26, 2009